

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DARRYL HOWARD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:17cv477
	)	
CITY OF DURHAM, et al.	)	
	)	
Defendants.	)	

**JUDGMENT**

This action was tried by a jury from November 8, 2021, to December 1, 2021, with the undersigned presiding, and the jury has rendered a verdict in favor of Plaintiff Darryl Howard.

IT IS THEREFORE ORDERED AND ADJUDGED that Judgment is entered in accordance with the verdict in favor of Plaintiff Darryl Howard.

FURTHERMORE, in accordance with the court's Memorandum Opinion and Order on various motions to dismiss entered on March 31, 2018,

IT IS THEREFORE ORDERED AND ADJUDGED that the motion to dismiss the Fifth Cause of Action for negligence against Michele Soucie and Scott Pennica in their individual capacity (Doc. 13) is GRANTED and those claims are DISMISSED; the motion to dismiss the Fifth Cause of Action for negligence against Darrell Dowdy and Milton Smith in their official capacity as duplicative of the

Monell claim against the City of Durham (Id.) is GRANTED and those claims are DISMISSED; the motion to dismiss the Sixth Cause of Action for intentional infliction of emotional distress against Darrell Dowdy and Milton Smith in their official capacity as duplicative of the Monell claim against the City of Durham (Id.) is GRANTED and those claims are DISMISSED; and the motion to dismiss the Seventh Cause of Action for common law malicious prosecution claim against Darrell Dowdy and Milton Smith in their official capacity as duplicative of the Monell claim against the City of Durham (Id.) is GRANTED and those claims are DISMISSED.

FURTHERMORE, in accordance with the court's Memorandum Opinion and Order on summary judgment entered on September 16, 2020,

IT IS THEREFORE ORDERED AND ADJUDGED that the motion for judgment on the pleadings by the City of Durham (Doc. 73) is GRANTED, and Howard's direct constitutional claims (Eighth Cause of Action) are DISMISSED; Defendant City of Durham's motion for summary judgment (Doc. 81) is GRANTED, and Howard's Monell claims under 42 U.S.C. § 1983 (Second Cause of Action) and the derivative state law claims for common law obstruction of justice (Fourth Cause of Action) and intentional infliction of emotional distress (Sixth Cause of Action) are DISMISSED; Defendant Milton Smith's

motion for summary judgment (Doc. 75) is GRANTED and Howard's common law malicious prosecution claim (Seventh Cause of Action) is DISMISSED; Defendants Michele Soucie and Scott Pennica's motion for summary judgment (Doc. 77) is GRANTED and Howard's § 1983 claim (Third Cause of Action), common law obstruction of justice claim (Fourth Cause of Action), and intentional infliction of emotional distress claim (Sixth Cause of Action) are DISMISSED WITH PREJUDICE; and Defendant Darrell Dowdy's motion for summary judgment (Doc. 79) is GRANTED IN PART and Howard's § 1983 malicious prosecution claim (First Cause of Action) and common law malicious prosecution claim (Seventh Cause of Action) are DISMISSED.

Any further application for post-judgment relief, including application for costs and attorneys' fees, shall be filed in accordance with the deadlines set forth by statute, the Federal Rules of Civil Procedure, and this court's Local Rules.

/s/ Thomas D. Schroeder  
United States District Judge

December 7, 2021